

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, MARCH 3, 2003
Immediately Following Director's Meeting
CONFERENCE ROOM 113**

I. MINUTES

- *1. Minutes of "Noon" Council Members' Meeting for February 10, 2003.
- *2. Pre-Council Meeting Minutes - RE: Health - Community Steering Committee Briefing - February 3, 2003.
- *3. Minutes of Director's Meeting for June 10, 2002.
- **4. Minutes of Director's Meeting for February 10, 2003.
- **5. Minutes of Director's Meeting for August 26, 2002.
- 6. Pre-Council Meeting Minutes of Joint City Council and LES Staff - RE: Telecommunications Ordinance - February 10, 2003.
- 7. Minutes of Director's Meeting for January 6, 2003.
- 8. Pre-Council Meeting Minutes - RE: EMS Financials and Compliance Audit - February 10, 2003.

II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES

- *1. Public Building Commission (Camp/Seng)
- *2. Affordable Housing Steering Committee Meeting (Friendt)
- *3. Multicultural Advisory Committee (McRoy)
- *4. Hometown Security Study Committee (McRoy/Svoboda)
- *5. Joint Budget Committee (McRoy/Seng)
 - A. Indian Center Update(5 Min - (Kit Boesch)
- *6. Board of Health Meeting (Svoboda)
- **7. Antelope Valley Neighborhood Citizen Committee Meeting (Seng)
- **8. Homeless Coalition Meeting (Werner)
- 9. Internal Liquor Committee Meeting (McRoy/Svoboda/Werner)
- 10. Star City Holiday Festival Board Meeting (McRoy) - **CANCELLED - QUARTERLY MEETINGS NOW - NEXT MEETING IN APRIL**
- 11. PRT Meeting (Seng)
- 12. Entertainment Center RFP Meeting (Svoboda)
- 13. Strategic Planning Work Session - Board of Directors Downtown BID Association (Werner)
- 14. Affordable Housing Needs Analysis Stakeholder Committee Meeting (Seng)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - NONE

IV. REQUESTS OF COUNCIL FROM MAYOR - NONE

V. MEETINGS/INVITATIONS

1. You are invited to Attend ... The City of Lincoln Public Works Department will hold an Information Open House on Tuesday, March 4, 2003 - from 5:15 p.m. to 6:45 p.m. - at the International Brotherhood of Electrical Workers (I.B.E.W.) Building, 6200 S. 14th Street – 14th Street Roadway Improvements - Old Cheney Road to Pine Lake Road And Intersection of 14th Street - Old Cheney Road - Warlick – The purpose of the Open House is to provide interested individuals information regarding the project status. (See Invitation)

VI. MISCELLANEOUS

- **1. Discussion on Open Mic & Candidate.
- **2. Discussion on Council salaries from Pending to the ballot.

VII. CITY COUNCIL MEMBERS

VIII. ADJOURNMENT

***HELD OVER FROM FEBRUARY 17, 2003.**
****HELD OVER FROM FEBRUARY 24, 2003.**

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, MARCH 3, 2003
CONFERENCE ROOM 113

Council Members Present: Jonathan Cook, Chair; Jon Camp, Vice Chair; Glenn Friendt; Annette McRoy; Coleen Seng; Ken Svoboda; Terry Werner.

Others Present: Mark Bowen, Ann Harrell, Corrie Kielty, Mayor's Office; Allan Abbott, Public Works Director; Dana Roper, City Attorney; Joan Ross, City Clerk; Joan Ray, Council Secretary; Darrell Podany, Aide to Council Members Camp, Friendt and Svoboda; Nate Jenkins, *Journal Star* representative.

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Chair Jonathan Cook requested a motion to approve the above-listed minutes. Ken Svoboda moved approval of the minutes, as presented. The motion was seconded by Coleen Seng and the minutes were approved as presented by unanimous consensus of the Council.

II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES -

*1. PUBLIC BUILDING COMMISSION (Camp/Seng) - Ms. Seng reported that the Master Plan had been approved. Ms. Seng, addressing Mr. Cook, reported that when they had another discussion on the Jail "service drive" that Jon Camp had really defended Mr. Cook's wishes to retain access to that driveway. Mr. Cook commented that that was why he liked having Mr. Camp serving on the Public Building Commission.

Ms. Seng reported further that they had held a prolonged discussion on the aquarium policy. She explained that the 911 Center was a great concern for everyone because if that floods, it might disrupt emergency capabilities. Both Bill Kostner and Kent Imig from Risk Management were there for input. Ms. Seng asked Mr. Roper if there wasn't some legislation proposed to be coming back to Council on this issue. Mr. Roper stated that the Law Department was going to try to draft something that would state if the aquarium breaks, it would have to be sitting on some sort of container that could contain the water that leaks out.

Ms. Seng reported that several other issues had been addressed, noting that the vending services contract had been let. There were two proposals. The one that was approved was with the Pepco Snack Group. General vouchers had been approved; a service agreement with the Health Department had been approved; designated smoking areas had been directed to the Law Department for a legislation draft. Ms. Seng noted that on President's Day, there had been a trial effort on the panic alarms. The contract with Mr. Duncan on the public art work had been approved. The request to allow the mail truck parking access on the City lot had been discussed with the PBC Director, Don Killeen. On that issue, it was decided to continue discussion regarding terms of payment for rental. Mr. Roper hadn't heard any further information about how that negotiation had gone. Newspaper stands on the west side of the building had been nixed; and Norm Agena had tried to work out where his people could have temporary computer terminals set up during the remodeling of his office area.

Mr. Cook called Mr. Abbott forward to discuss the bond issue which was on today's formal Council agenda. [This, of course, could have been scheduled as a pre-council meeting] He noted that if Council approved the issue today, it would go on the ballot in May. He stated that if any Council Members had questions, they could ask them now.

Mr. Abbott came forward and explained the issue. The Storm Water Sewer System has been financed by bond issues approximately every two years at a 7-10 million dollar level. He noted that they had been successful in using this method of financing. He explained that they have also been trying, through State legislation, to get a Storm Water Utility, which would do away with the necessity for additional bond issues. The last he had heard, that legislation was still in committee.

Ms. Kielty stated that it is likely that the committee will name it a priority bill if it makes it out of committee. She noted that this would be for all Nebraska cities. Mr. Abbott commented that this permissive legislation would allow the local agencies to, after a vote of the people, pass a Storm Water Utility. City Council would approve it, then it would go to a vote of the people. Even if the bill passes in the Unicameral this year, realistically, it would be a couple of years before it is in effect. To continue our Storm Sewer Construction and Reconstruction, we do need this bond issue.

Mr. Abbott continued, noting that they thought maybe they could wait, but this is the final collection this year. If we don't do it at the May election, there won't be anything until a year from now and the sequencing of the construction will be slowed down. There is a listing of the projects that totals \$7.50 million, but the ordinance language would state 7-10 million dollars which would allow flexibility. If an emergency comes up, it could be added as opposed to having a finite list of projects. These bonds would not have to be issued right away. We waited almost one year after the last bond issue election. We were able to get a better interest rate by the delay. Most of the projects from the previous bond issue are under construction this year.

Mr. Cook noted, regarding the ballot question, that the people will approve the associated tax levy. He asked if it were correct that in actuality, we don't ever raise the property taxes to cover these things? If this passes, but we don't raise the tax levy, then the money has to come from some other source? Mr. Abbott answered that that was correct. He added that the tax base could go up sufficiently so that it doesn't have to be raised in order to do it. The growth of the City, itself, covers the funds.

Mr. Cook asked who was pushing for this and who might be against it. Mr. Abbott answered that it would be harder to guess who is against it than who would be for it. He believed that the people in the construction industry; those people living in areas where flooding has been a problem before; the consulting industries; the engineering industry, etc. would be proponents.

Against, he thought would be tax payers opposed to raising the property taxes; but there is no known organized group coming out against it.

Discussion continued on this issue with comments regarding the cost of putting the issue on the ballot every two years. It was suggested by Mr. Camp that the community could save money by initiating a longer time period between the ballot postings for the bond issues and with advertising by the private sector. It was noted that the specific priority list of projects probably needed to be updated. Procedures for changing the bonding from every two to every 3-4 years for cost savings were discussed, with Mr. Roper stating that the bond counsel should be involved in the process because there are some restrictions on both spending and *when* the funds can be spent. He assumed that changes could be made. It was also noted that the Storm Water Legislation issue now before the State Legislature would have an impact on the City's action. In two years, we would know if that is passed and then the need for bonding will be totally eliminated. Now may not be the time to be making procedural changes.

Mr. Abbott stated that the list is being re-analyzed and re-prioritized so that we do have an up-to-date operation information base to be working from. Mr. Cook asked what the time-line for passage of the legislation on Council's Agenda today would be in order to have the issue on the ballot in May. Mr. Roper answered that it could be passed next week and still give the Election Commissioner the time necessary to have the issue on the ballot. Mr. Roper added that in order to meet that deadline for the General Election and give the Election Commissioner adequate time, the final date for Council action would be March 10th, noting that a weeks delay from today would not be detrimental to getting the issue to the ballot.

Mr. Cook asked if it were not placed on the ballot, or if the voters rejected it, what would happen? Mr. Abbott stated that the City would not have any funds available to continue to re-vamp and re-construct and replace the existing storm sewer system. We would have money for the projects identified up through the last bond issue, but we could not move forward with anything without additional dollars unless the money could be found someplace else.

*2. AFFORDABLE HOUSING STEERING COMMITTEE (Friendt) Mr. Friendt reported that it was basically an organizational meeting in terms of goals and process. The process will be a series of sub-committee meetings to gather input. One of the issues will be just to identify or define "affordable housing". Even though we have the process which will define affordable housing, and then get us to a point that says, based on that definition, here is where Lincoln stands - at this time, there is no specific action plan after that point.

Mr. Friendt noted that Mike Merwick had expressed the view that the existing housing stock had improved over the last several years based on better inspections. Nonetheless, the committee felt that the quantity of appropriate housing for renters and home-owners is very tight and the pricing has really escalated. The final discussion had included floodplain areas and what impact a floodplain study would have on the housing market.

The next meeting is on March 12th and is on Mr. Friendt's schedule.

*3. MULTICULTURAL ADVISORY COMMITTEE (McRoy) Ms. McRoy reported that the MAC had invited the Mayoral Candidates for discussion...even though both candidates could attend even without an invitation - in their roles as Council Members.

*4. HOMETOWN SECURITY STUDY COMMITTEE (McRoy/Svoboda) Mr. Svoboda stated that they had met three times. Ms. McRoy added that there is nothing to report. Mr. Svoboda stated that it is going much slower than anyone had ever anticipated.

They have worked mostly on philosophic concerns. The committee, made up largely of people with limited knowledge of government agencies & the workings of those agencies, is now looking at going beyond the original intentions set for them - that being the Fire Rescue security efforts. Now they are setting up sub-committees to review all four legs of the security program - Police, Fire, EMS and Health & Emergency Management. Mr. Svoboda and Ms. McRoy have encouraged the Committee to move forward in a more timely manner.

*5. JOINT BUDGET COMMITTEE (McRoy/Seng) Ms. McRoy reported that she had invited Ms. Boesch to address the Indian Center Issue, but in the interest of time, she decided to give the report now - There was a special meeting to discuss the Indian Center. Everyone has received a copy of the IC Financial Report. In a nutshell, the Center has not been complying with some of the measures they had agreed to when the money was allotted to them through the JBC. Ms. McRoy had gone with Ms. Boesch to do a surprise inspection of the files and had found that there was no support data at all for verification of their quarterly report figures. So at this time, it was being recommended to withhold - deny payment- of \$2500 and wait to see what the Center can do in April under another compliance check. They may still get the money if they can come into compliance. They've also been offered technical assistance so, while we're coming down sternly, we're also offering assistance.

There was a brief discussion regarding lack of a permanent director and whether or not this transitional time for them might be a part of the problem.

A. INDIAN CENTER UPDATE (5 Min - Kit Boesch) - See Above.

*6. BOARD OF HEALTH (Svoboda) Mr. Svoboda stated that he had missed the last meeting because of attendance at the birth of his grandchild.

**7. ANTELOPE VALLEY NEIGHBORHOOD CITIZEN COMMITTEE (Seng) Ms. Seng reported that they have three proposals before them. She thought they would probably pick and choose various pieces out of all three of them. There was a lot of representation at the meeting.

Mr. Friendt stated that he was impressed noting that the consultants had been very thorough. The three concepts each held some great ideas. Mr. Friendt had expressed the concern that "picking and choosing" from each one might not be the best path to take. They had set out some central ideas with each of the options and if the "pick & choose" method were initiated, we may end up with a "mish-mash" plan. He added that there had certainly been a lot of active participation down into the detail level.

Ms. Harrell noted that at the internal level (amongst other consulting groups that work with Administration, including engineers and representatives from various departments), they have reviewed the three plans as a whole and as individual pieces. We've tried to make some judgements about which of those we believe to be viable prospects and which look like an up-hill battle. We've been working through that process at the staff level and with the citizen groups to decide which things are realistic and which aren't. There will be more meetings with the public committee and with the other Antelope Valley Partners.

The goal is to try to keep winnowing down and winnowing down until we get to a single vision. She thought, in spite of each plans central concept, it would wind up being more of blending of the plans.

The make-up of the committee was discussed briefly with the notation that the group is a good mix of community members.

****8. HOMELESS COALITION (Werner) - No Report**

9. INTERNAL LIQUOR COMMITTEE (McRoy/Svoboda/Werner) Ms. McRoy reported that the gentlemen who took over the Budweiser distributorship was there to introduce himself.

Captain Citta had the report on the correlation between Detox and the number of calls for service in bars and the number of sales promotions. That study was very interesting and Ms. McRoy stated that she would have copies made available for Council Members. She noted that the study might be the trigger for bringing forth an ordinance for Council to consider.

Ms. McRoy reported that, in light of the recent tragedies in clubs in Chicago and New Jersey, the Lincoln Police Department would be sending out the annual compliance letters early this year. This was a heads-up to Council, in case they received calls on the matter. Ms. McRoy did not think the advanced mailing date would cause concern because this is such a public safety issue.

10. STAR CITY HOLIDAY FESTIVAL BOARD (McRoy) - **CANCELLED** - *Quarterly Meetings Now - next Meeting in April*

11. PRT MEETING (Seng) Ms. Seng reported that there had been an article in the paper on the Problem Resolution Team. She hoped everyone had read it.

12. ENTERTAINMENT CENTER RFP MEETING (Svoboda) Mr. Svoboda stated that it was laborious and time consuming to look over the one proposal. He noted that Council had seen the results of those labors today [at an earlier pre-council meeting]. He commented that the proposal also included a video arcade, which was not mentioned in the pre-council presentation. Ms. Harrell explained that there was dead space in the plans which would be incorporated for that use.

13. STRATEGIC PLANNING WORK SESSION - BOARD OF DIRECTORS DOWNTOWN B.I.D. ASSOCIATION (Werner) Mr. Werner reported that the Strategic Planning portion of the meeting didn't include too much. It was more of preparation for April 4th when they were really going to get into the details. This isn't a whole new strategic plan for DLA, but more of a re-visiting and verifying that the focus remains the same. Most of the meeting was taken up by a presentation by Pat Lloyd of the State Fair Park, about a Convention/Visitors Center. That was interesting. A lot of discussion had been in regards to a letter that DLA was sending to Governor Johanns to not cut the University budget too much because of the University's benefit to the Downtown Lincoln Association. Mr. Werner reported that Ms. Johanns had made a brief and open presentation on her visit to the White House.

14. AFFORDABLE HOUSING NEEDS ANALYSIS STAKEHOLDER COMMITTEE (Seng) Ms. Seng commented that this was run by Urban Development Department and it had covered the Census Figures dealing with housing needs in our future. There is a need for housing units coming up over the next 10 years. She requested that Staff get the figure down tight on how many units, based on the population growth, will be needed. She noted that she had been amazed at the greatness of the need. Ms. Harrell indicated that she would have Urban Development get that information for the Council.

OTHER MEETINGS - Ms. Seng reported that she had gone to a meeting regarding the dumping by Telex. She handed out some EPA material dealing with the situation, while noting that the issue is being handled.

III. APPOINTMENTS/REAPPOINTMENTS - None

IV. REQUESTS OF COUNCIL FROM MAYOR - Mr. Bowen and Ms. Kielty reviewed the legislative matters now pending before the State Legislature. Ms. Kielty reported on LB32-the Storm Water issue. The Committee has asked that the Administration hold a meeting with Lincoln and Omaha Senators and have DEQ explain to them why we need the Storm Water Utility and the details involved. That meeting will be held this week. The bill will be voted on in committee after that meeting.

LB555 - the Gas Tax Bill (which would increase it by two cents) is still in committee, which means it will probably not be advanced this year. It hasn't been killed, but it hasn't been voted out of committee.

There had been three bills that would regulate natural gas. One was killed in committee; LB790 and LB792 are still alive. One of them would take the money received out of the local option tax and would utilize that money for regulation at the state-wide level. The other would add a sur-charge to natural gas to regulate it at the state-wide level. Both are still in committee. We're not supporting the one that would take the local option tax away...which would total about \$1,000,000.

Mr. Cook requested a list of all the pending legislative bills and their status for Council Members. Ms. Kielty stated that she would have that for them next week. She noted that she would be sending the list of names for the Hometown Security Sub-Committees on to Council as well.

V. MEETINGS/INVITATIONS - Noted Without Significant Comment

VI. MISCELLANEOUS -

**1. Discussion on Open Mic & Candidates. Mr. Svoboda stated that he had originally requested this discussion because he could just see the way things were going the last few weeks. He observed that the more input he had received, the more he had become convinced that we really can't make a distinction between a candidate and a non-candidate, but that we must give everyone his/her time. Other people, of course, on the other end of the spectrum, felt everyone that came forward should be limited to one or two topics and then others would close the open mic altogether.

Mr. Roper noted that there are no rules that would prohibit people, even those who have officially filed for office, from speaking at the open mic. About the only thing Council has to go by is the 'Open Meetings Law' which states that you don't have to let people speak at every meeting as long as you let them speak at some of the meetings. He commented that the statute language is about as clear as "mud", but that is what the State Law says. Ms. McRoy thought the open mic might be relegated to a meeting every other week. Others felt perhaps once per year would be adequate. [Laughter] It was noted that the Lincoln City Council is very open in the public hearing portions of their meetings. Ample opportunity is always given for people to speak on the items on the agenda and at the end of the meeting during the open mic. It was agreed that no restriction would be better than inappropriate restriction of public input.

Ms. Ross, City Clerk, stated that at the Lied Conference she had attended last week, this topic had been discussed. She had learned that the City Council cannot preclude someone from coming to speak to all items on the agenda. But, if there is an item on the agenda and the Chair wants to announce that only certain people may speak - those who are directly involved or affected by the legislation (such as the applicant, the applicant's attorneys/engineers, or interested neighbors), this can be stated and the rest of the people do not have to be allowed to speak on the issue. So, in view of this, Council has been very open and liberal in what you have allowed...especially when public hearing is continued to the following week and the same group of people have the opportunity to get up and speak - even those who are not at all connected to that item. That's what the law states.

Mr. Werner stated that he would argue that every single thing the Council acts upon is in the interest of the entire City. Mr. Cook thought that another issue might be precedent setting. Someone might come in from far away and testify against an issue because passage might set precedent - which would affect them.

Mr. Cook asked if this law would preclude a speakers card that would limit the time allowed per person. Ms. Ross stated that this law covers just the items that are listed on the agenda for public hearing. Ms. McRoy stated that she would like to enforce a rule that would not limit the input, but that would confine the comments to the topic at hand.

****2.** Discussion on Council salaries from Pending to the ballot. - Carry Over to Next Week.

VII. COUNCIL MEMBERS -

JON CAMP - No Further Comments

JONATHAN COOK - Mr. Cook brought forward for discussion the Joint City/County position that will be discussed at the Common Meeting tomorrow. After discussion, which included security concerns, it was determined that Council would agree to a 75 County//25 City split on the salary for this County employee. The City's portion would be paid through an interlocal agreement with the County. The space of the "push-out" for the additional office space required for security and the additional position would be split 50-50 - the City's share again would be paid through the interlocal agreement. Kerry Eagan would be the office co-ordinator rather than office supervisor.

GLENN FRIENDT - No Further Comments

ANNETTE McROY - No Further Comments

COLEEN SENG - No Further Comments

KEN SVOBODA - No Further Comments

TERRY WERNER - Mr. Werner returned one dollar to Staff, which was an over-payment from the City on reimbursement for payment of airfare to an upcoming conference.

MARK BOWEN - No Further Comments

ANN HARRELL - No Further Comments

CORRIE KIELTY - No Further Comments

DANA ROPER - No Further Comments

VIII. MEETING ADJOURNED - Approximately 1:05 p.m.

cm030303/jvr